

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

NICHOLAS HOLLIS,
ADC #114535

PLAINTIFF

v.

5:19-cv-00265-JM-JJV

ARKANSAS BOARD OF CORRECTION, *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Partial Recommendation submitted by United States Magistrate Judge Joe J. Volpe and Plaintiff's objections. (Doc. Nos. 10, 22.) After conducting a *de novo* review, this Court adopts the Partial Recommendation with one exception.


In his Objections, Plaintiff alleges that, "to keep costs down," Defendant Correct Care Solutions has a policy and/or practice of "not purchas[ing] expensive equipment such as wheelchairs, walkers, [and] crutches [and] to deny such aids whenever possible." (Doc. No. 22 at 3.) This added allegation is sufficient to plead a plausible claim against Defendant Correct Care Solutions, and it is hereby incorporated by reference into the Amended Complaint. (Doc. No. 8.)

IT IS THEREFORE ORDERED that:

1. Plaintiff may proceed with his § 1983 Eighth Amendment, ADA, and RA claims against Defendants Horan, Chism, Moore, Clark, McCoy, Page, Griffin, and Correct Care Solutions.
2. All other claims against all other defendants are DISMISSED WITHOUT PREJUDICE for failure to state a claim upon which relief may be granted.
3. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal

from this Order would not be taken in good faith.

Dated this 5th day of December 2019.


UNITED STATES DISTRICT JUDGE